

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HARVEY BLIGHT,

No. C 10-03467 WHA

Plaintiff,

v.

**ORDER DISMISSING
COMPLAINT WITH
LEAVE TO AMEND**

COMMISSION ON JUDICIAL
PERFORMANCE, *et al.*,

Defendants.

Before ruling on *pro se* plaintiff Harvey Blight's application to proceed *in forma pauperis*, the undersigned judge must first determine whether the complaint plaintiff proposes to file is frivolous or malicious, and whether the complaint states a claim on which relief may be granted. *See* 28 U.S.C. 1915(e)(2)(B).

The 291-page document filed by plaintiff Blight fails to set forth a coherent claim on which relief may be granted, and — in its current form — appears frivolous. While plaintiff will be given leave to amend his complaint, a number of deficiencies must be cured if he chooses to do so. *First*, the civil cover sheet for the complaint notes that the action was “removed from state court” and lists a case number from the California Court of Appeal. Plaintiff should be aware that this court lacks jurisdiction to entertain direct appeals from state appellate courts and generally cannot review and vacate state-court orders and judgments. Additionally, it is procedurally improper for a *plaintiff* to remove a state-court proceeding to federal district court, especially if it

1 is from an *appellate* state court. Plaintiff, however, may file an original proceeding in federal
2 district court, so long as the deficiencies discussed in this order are fixed.

3 *Second*, while the civil cover sheet filed by plaintiff states that this Court has federal-
4 question jurisdiction due to his challenging of the “Constitutionality of State Statutes,” the
5 complaint does not set forth any particular state statutes or explain *why* they are unconstitutional.
6 If plaintiff files an amended complaint, plaintiff should list the specific state statutes that he is
7 challenging as unconstitutional and provide a brief explanation *why* they are unconstitutional and
8 how he has been harmed by them.

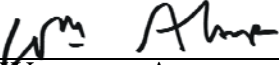
9 Since the complaint, in its current form, fails to state a claim on which relief may be
10 granted, it is **DISMISSED WITH LEAVE TO AMEND**. Plaintiff will have until **SEPTEMBER 30, 2010**,
11 to file an amended complaint that addresses the various deficiencies discussed in this order. The
12 application to proceed *in forma pauperis* will then be reevaluated at that time.

13 Plaintiff should be aware that there is free legal assistance available to litigants without
14 lawyers in federal court. This service — called the Legal Help Center — is available to anyone
15 who is representing him or herself in a civil lawsuit (or is considering filing a civil lawsuit) in the
16 San Francisco or Oakland divisions of the United States District Court for the Northern District of
17 California.

18 The Legal Help Center is located in the federal courthouse in San Francisco: 450 Golden
19 Gate Avenue, 15th Floor, Room 2796. Assistance is provided by appointment only, and
20 appointments are held in person at the Legal Help Center. A litigant may schedule an
21 appointment by signing up in the appointment book located on the table outside the door of the
22 Center or by calling the Legal Help Center appointment line at (415) 782-9000 x8657.

23
24 **IT IS SO ORDERED.**

25
26 Dated: August 23, 2010.

27 
28 WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE